

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 12967 OF 2015
DECIDED ON: JANUARY 24, 2018

RAVINDER SINGH BRAR

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. R.D. Anand, Advocate,
for the petitioner.

Mr. TPS Chawla, DAG, Punjab.

JASPAL SINGH, J.(ORAL)

Through instant petition preferred under Article 226/227 of the
Constitution of India, the petitioner has sought following relief:-

(i) to pay the arrears of salary on the basis of
having fixed the basic pay at Rs.14940/- per month as on
01.01.1996 in the pay scale of Rs.12000-420-18300, for the period
from 01.01.1996 to 28.02.1999 along with interest @ 9% per
annum from the date the amount became due till the payment is
made.

(ii) to pay the arrears of salary on the basis of
having fixed the basic pay at Rs.53970/- as on 01.01.2006 in the

pay scale of Rs.37400-67000+9000 AGP from 01.01.2006 to 03.12.2009 (date of superannuation) with interest @ 9% per annum from the date the amount became due till the payment is made.

(iii) to pay the arrears towards employer's contribution to CPF, arising out of enhanced salary in terms of (i) and (ii) above, with interest @ 9% per annum from the date the amount became due till the payment is made.

(iv) to pay the arrears towards earned leave encashment, arising out of enhanced salary in terms of (ii) above, with interest @ 9% per annum from the date the amount became due till the payment is made.

2. On the last date of hearing i.e. on 08.01.2018, it came to light that letter No.SBAS/Revised Basic Pay/2013/122 dated 08.03.2013 was written to respondent No.2-Director Public Instruction (Colleges), Punjab, which was not responded or taken up for its consideration, on account of which, a direction was issued by this Court, as to why the said letter is still pending and has not been disposed of. It was only on account of aforesaid reason, the other benefits like CPF, leave encashment etc. could not be dealt with and disbursed to the petitioner.

3. Now, in compliance of aforesaid order dated 08.01.2018, reply by way of affidavit of Mr. Harjeet Singh, Director Public Instruction (Colleges), Punjab, Chandigarh on behalf of respondents No. 1 and 2 has been filed in Court today and same is taken on record.

4. According to the contents thereof, pay of the petitioner was wrongly fixed vide order dated 01.09.2015 by fixing it w.e.f. 01.01.2006 at the stage of 51920/- instead of 53970/-. Further, in compliance of order of this Court, matter has been considered a fresh and now, pay of the petitioner has been refixed vide order dated 22.01.2018 (Annexure R-1) w.e.f 01.01.2006 at the stage of 53970/- by giving benefit of career advancement scheme w.e.f. 01.01.1996 and respondent-college has been directed to make the consequential admissible payments to the petitioner.

5. In view of the decision taken by the office of DPI College(s), Punjab, Chandigarh, aforesaid order has also been conveyed to the aforesaid colleges for its implementation.

6. Though, petitioner has claimed the revision of basic pay w.e.f. 01.01.1996 and subsequent thereto, aforesaid order reflected in para 4 of the order has already been passed. If, petitioner is still aggrieved of the order dated 22.01.2018 (Annexure R-1), he may approach this Court or the concerned authority for the redressal of his grievance(s).

7. As far as the arrears of CPF arising out of the enhanced salary in the light of aforesaid order dated 22.01.2018 (Annexure R-1) are concerned, the same shall be paid to the petitioner by the respondents No. 3 and 4 by calculating the same along with interest @ 9% from the date it became due till the payment is made.

8. Further, as far as the arrears with regard to the earned leave encashment arising out of the enhanced salary in terms of order dated 22.01.2018 (Annexure R-1) are concerned, the same shall be calculated by

respondents No. 3 & 4 and be paid along with interest @ 9%, which shall thereafter, be recoverable by the college management from respondents No. 1 and 2. The entire exercise with regard to the calculation and disbursement of the aforesaid benefits shall be made within the period of two months from the date of receipt of certified copy of this order. In case, of non-compliance of the order(s) referred to above, petitioner shall be at liberty to approach this Court.

9. With the aforesaid observations and directions, the petition stands disposed of.

JANUARY 24, 2018
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes*

Whether reportable *Yes/No*